REMARKS

In the Office Action mailed May 9, 2005, the Examiner noted that claims 1-13 were pending, and rejected claims 1-13. Claims 1, 2, 3 and 13 have been amended, and, thus, in view of the forgoing claims 1-13 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections are traversed below.

Page 2 of the Office Action rejects claims 1-5, 10 and 13 under 35 U.S.C. § 103 over Shimura and Burkhard. Page 4 of the Office Action rejects claims 6-8 and 12 under 35 U.S.C. § 103 over Shimura, Burkhard and Lee. Page 6 of the Office Action rejects claim 9 under 35 U.S.C. § 103 over Shimura, Burkhard, Lee and Amundsen. Page 9 of the Office Action rejects claim 11 under 35 U.S.C. § 103 over Shimura, Burkhard and LePage.

In the previously filed response, responding to the combination rejection using Shimura and Burkhard, we pointed out that Shimura was about searching while Burkhard was about radix sorting. In making such a combination rejection, the Examiner is under an obligation to show that the prior art not only suggests the desirability that the teachings of references be combined but also suggests the desirability of the modifications in the manner proposed by the Examiner as well as the results to be achieved. Obviousness cannot be established by combining the teaching of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined only if there is some suggestion or incentive to do so. The Examiner has provided no rational or explanation as to how Shimura or Burkhard suggest the combination of their teachings, much less the desirability of the modifications needed and the results to be achieved. As a result, the Examiner has not met the burden for a prima facie case of obviousness. Withdrawal of the rejections on this basis is requested.

Further, Shimura discusses a system that generates a finite automaton and then uses the automaton to perform a search. While Burkhard discusses an improved radix sorting method. Burkhard does not discuss, much less teach or suggest, the use of an automaton to perform a sort. Neither Shimura nor Burkhard teach or suggest an automaton generated in a "main memory" and one that has "a set of state transition tables with a hierarchical tree structure whose hierarchical depth is equal to a maximum number of characters of a character string of a sort key item of each record, and whose transition table corresponds to each character of a character string of the sort key item of each record, and also whose state transition table contains links to next stage state transition tables each of which corresponds to a next character

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of a character string of the sort key item of each record in an ascending/descending order according to each of the next characters, and which associates a record identifier of each record with a final state transition table corresponding to the final character of a character string of a sort key item of the record" and the automation scans "in order of contained links in the state transition tables giving priority to the depth direction of the hierarchy of the state transition tables" (see claims 1-3 and 13).

Lee, Amundsen and LePage add nothing to Shimura and Burkhart with respect to the above-discussed features.

It is submitted that the invention of the claims distinguish over the prior art and withdrawal of the rejection is requested.

It is submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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